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Application No.: 09/843,145Docket No.: 30014343-1 (1509-179)**REMARKS**

The objections to the claims have been obviated by amendments. As required, headings have been added to the specification. The claims have been amended for clarity and new claims 42 and 43 that indicate the advertisement broker device is adapted to block passage of both (i) advertiser details to the consumer device and (ii) consumer details to the advertiser device have been added. Applicants note the indication of claims 12 and 38 containing allowable subject matter.

Applicants respond to the comments made in the office action with regard to the previous rejections of claims 20 and 22. The reference on page 2 of the office action to page 8 of the previous response by applicants is obviously incorrect because there is no discussion on page 8 of the previous response to claim 20; apparently, the examiner intended to refer to pages 21 and 22 of the previous response in connection with the rejection of claim 20 as being obvious as a result of Rautila et al., US Patent 6,549,625, in view of Konishi, US Patent 5,301,273. In addition and more importantly, the characterization in the most recent office action of the previous response to the rejection of claim 20 is incorrect. In this regard, applicants' previous response to the rejection of claim 20 stated that column 2, lines 52-58 of Konishi indicates that when address information is not used for a predetermined time, due to movement or failure of a destination station, a response message corresponding to the message transmitted using this address information is not received and the address information is deleted from the address translation table and the message is transmitted again by broadcast. The previous response indicated such a statement has nothing to do with replying to an advertisement or a telecommunication address of an advertiser or a replier.

Applicants adhere to this position and cannot agree with the statement in the office action that implies one of ordinary skill in the art would have modified Rautila et al. as result of Konishi to arrive at the requirement of claim 20 to cause a received message to

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be modified so as to ensure, at least initially, that no telecommunications address of an advertiser or replier to an advertiser is passed with a reply message to an advertisement, wherein the reply message is forwarded by a server to a remote telecommunications device. The passage in column 2, lines 52-58 of Konishi has nothing to do with modifying a received message and forwarding to a remote telecommunications device a modified received message to ensure that no telecommunications address of an advertiser or replier to an advertiser is passed with a reply message to an advertisement. Instead, this passage of Konishi deals with housekeeping of address information in an address translation table.

With regard to the comments in the office action on pages 2 and 3 regarding the rejection of claim 22 based on Rautila et al. and Paltenghe et al, US Patent Publication 2001/0011250, applicants have amended claim 22 to indicate the advertisement broker device is adapted to selectively (a) pass advertiser details to the consumer device in response to triggering, (b) pass consumer details to the advertiser device in response to triggering, and (c) block passage of advertiser details to the consumer device and/or consumer details to the advertiser device. In other words, the advertisement broker device of claim 22 is adapted to selectively perform each of (a), (b) and (c). The discussion of claim 22 on page 10 of the most recent office action implies (1) Rautila et al., at column 9, lines 15-20, and column 10, lines 1-8 and 55-64 discloses an advertisement broker device that is adapted to selectively pass advertiser details to the consumer device and consumer details to the advertiser device in response to triggering and (2) Paltenghe et al discloses in paragraph 0017 an advertisement broker device that blocks passage of advertiser details to a consumer device. While paragraph 0017 of Paltenghe et al indicates a financial institution, which the examiner apparently construes to be the claimed advertisement broker device, prevents direct contact between a merchant and a consumer, there is no indication in paragraph 0017 that the financial institution blocks passage of advertiser details to the consumer.

Applicants do not agree with the repeated assertions in the office action that the

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structure associated with reference numeral 26 of Rautila et al. is an advertisement broker device. To support this position, the examiner refers, (1) on page 6 of the office action to column 7, lines 1-10 of Rautila et al., (2) on page 8 of the office action to column 10, lines 1-8, 58-64 and column 5, lines 39-51 of Rautila et al., (3) on page 9 of the office action to column 10, lines 1-8 and 55-64 of Rautila et al., and (4) on page 10 of the office action to column 9, lines 15-20, column 10, lines 1-8 and 55-64 of Rautila et al.. Rautila et al. refers to the structure associated with reference numeral 26 as a database within an IP network (column 6, line 63 and 64, inter alia), and a database in a server of the IP network (column 8, lines 37, 38, 66, 67, inter alia).

These portions of Rautila et al. do not support the position of the examiner that database 26 and the structure associated with the database form an advertisement broker device. An advertisement broker device is a device that places advertisements on behalf of advertisers, usually for a fee paid by advertisers. The advertisements are directed to consumers of a product or service; see for example, paragraph 0043 of the application as filed.

Column 7, lines 1-10 indicates a user of mobile terminal 12 sends a requested form of payment to database 26 and then database 26 transmits acknowledgment of payment 27 to position transmitter 14 of broadcast location 16 (column 6, lines 27, 28).

Column 10, lines 1-8 indicates database 26 checks the signature, decrypts transmission of information from a user of mobile terminal 12 and determines if a timestamp accompanying the transmission from mobile terminal 12 to database 26 is valid. If all this information is verified by the equipment associated with database 26, the server within the IP network including database 26 concludes with a high probability that the user of mobile terminal 12 is an authorized user and provides the user of terminal 12 with access to database 26.

Column 10, lines 55-64 indicates the server in the network including database 25 is

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associated with database 102 that includes plural bodies of information corresponding to N information sources of broadcast location 16, which the examiner considers to be the advertiser. The server in the network including database 26 responds to information identifying information broadcast over link 24 between mobile terminal 12 and broadcast location 16 and transmitted by a network over link 42 from user 12 to the server including database 26. The server in a network including database 26 responds to this identifying information by fetching a particular block of information associated with the identification information. The first information is transmitted over link 42 from the IP network including database 26 to user 12 to enable the user to learn more about the goods or services or other information associated with information sources 50, Figure 3 of the broadcast locations 25, Figure 1, associated and communicating with broadcast location 16 (column 6, line 60).

Column 5, lines 39-51 is very difficult to understand but apparently indicates position information transmitted from a second transceiver (that is, network transceiver 46, Figure 2, in user device 12) to database 26 may be signed by the user of mobile terminal 12 when information is transmitted from an information transceiver to indicate the current location of the user of mobile terminal 12 to permit database verification that the user is where the user is supposed to be. Database 26 checks the validity of the signature, decrypts information received from the network and checks validity of a timestamp. If the timestamp and signature are valid, the database transmits stored information associated with the identification information with the network to the second transceiver 46.

Column 9, lines 15-20 indicates the user of each mobile terminal 12 can pick and choose from the information which is most interesting and which is being broadcast from plural information sources at broadcast location 16. This information is displayed on display 49', Figure 2, of mobile terminal 12.

Applicants are unable to understand how any of these portions of Rautila et al., either singly or in combination, qualify database 26 and the structure associated with the

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database as an advertisement broker device. Explanation is in order.

Applicants traverse the rejection of claims 1-5, 7-11, 14, 27-31, 33 and 39 under 35 USC 103(a) as being unpatentable over Rautila et al. in view of Suarez, US Patent 5,790,789. Claim 1 is an independent method claim; the remaining claims in connection with this rejection depend on claim 1. Because a major premise of the rejection is that Rautila et al. discloses an advertisement broker device and there is no disclosure in Rautila et al. of such a device, the rejection falls for this reason alone. Further, claim 1, as amended, requires the changed reply message to include at least a substantial portion of the reply message. The office action states the SMS message is a reply message including message data and that the SMS message is changed to an acknowledgment message to become a reply message. Consequently, the reply message of Rautila et al. does not include at least a substantial portion of the reply message.

The office action relies on the abstract, Figure 11 and column 26, lines 56-62 of Suarez to disclose changing message data of a reply at a broker device. In this regard, the office action equivocates the agents Suarez mentions to a broker device, neglecting the requirement of the claims for an advertisement broker device. The discussion at column 25, lines 18-64 of Suarez clearly indicates the agents have nothing to do with a broker, and even less to do with an advertisement broker. This portion of the reference indicates the agents constrain the types of messages that might originate from a service the agent provides, such as by controlling conversation between services to ensure correct behavior or imposing scheduling constraints. Hence, one of ordinary skill in the art would not have modified Rautila et al. as a result of the relied on portions of Suarez to satisfy the requirements of claim 1.

As pointed out in the last response, some of the claims that depend on claim 1, that is, claims 4, 5, 7 and 31, define features the office action incorrectly alleges are found in Rautila et al.. The most recent office action fails to address the arguments set forth by applicants in the previous response and merely repeats the incorrect allegations set forth

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in the previous office action.

The rejection of claims 20, 21 and 32 under 35 USC 103(a) as being unpatentable over Rautila et al. in view of Konishi is incorrect for the reasons set forth at the beginning portion of the remarks. In addition, as discussed supra, Rautila et al. does not disclose an advertisement broker device, as required by claim 20, upon which claims 21 and 32 depend.

Applicants traverse the rejection of independent claims 22 and 40, and claims 25, 26, and 37 that depend on claim 22 and claim 41 that depends on claim 40 under 35 USC 103(a) as being unpatentable over Rautila et al. in view of Paltenghe et al. This rejection is improper because (1) Rautila et al. fails to disclose an advertisement broker device for the reasons discussed supra, and (2) Paltenghe et al fails to disclose blocking passage of advertiser details to the consumer device, as discussed supra in connection with the rejection of claim 22 and the discussion about pages 2 and 3 of the most recent office action.

One of ordinary skill in the art would not have modified Rautila et al. as result of Paltenghe et al to provide the blocking set forth in claims 22, 37 or 40. The structure associated with database 26 either (1) augments the material initially provided by broadcast station 16 to user 12 (for example, column 9, lines 12-42 or column 10, lines 47-63) or (2) advises the user of mobile terminal 12 the type of payment desired and acknowledges to broadcast location 16 that payment has been made by the user. These situations do not warrant the blocking defined by claims 22 and 40.

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Newly added claims 42 and 43, respectively dependent on claims 22 and 40, further distinguish over the references relied on to reject claims 22 and 40 by requiring the advertisement broker device to block passage of both (i) advertiser details to the consumer device and (ii) consumer details to the advertiser device.

Applicants traverse the rejection of claim 34 as being unpatentable over Rautila et al., in view of Paltenghe et al, and further in view of Konishi. This rejection is improper for the same reasons discussed above with regard to the rejections based on these three references.

Applicants traverse the rejection of claims 35 and 36 as being unpatentable over Rautila et al. in view of Suarez, and further in view of Paltenghe et al. This rejection is also improper for the same reasons discussed above with regard to the rejections based on these three references.

In view of the foregoing amendments and remarks, allowance is in order.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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